IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

Bail Appl..No. 7682 of 2006()

CRIME NO. 334 OF 2006 OF MEDICAL COLLEGE POLICE STATION, KOZHIKODE

PETITIONER/ACCUSED

Y.P.RAHMATHULLA, AGED 33 YEARS,
S/O.BEERAN HAJI, NELLIYOTTEMTHODI HOUSE,
KOLAMBALAM, EDAVANNA.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SMT.C.V.RAJALAKSHMI

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE ASSISTANT COMMISSIONER OF POLICE, CRIME DETACHMENT, KOZHIKODE CITY.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON 10/01/2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No.7682 of 2006

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DATED: 10-01-2007

O R D E R

In this application filed under Sec. 439 Cr.P.C. the petitioner who is the 6th accused in Crime No.334/06 of Medical College Police Station, Kozhikode for offences punishable under Sections 120 B, 121, 121 A, 465, 468, 471 read with Sec. 34 I.P.C. and Sections 7 and 14 of the Foreigners Act, 1946, Sec. 12 (b) of the Indian Passport Act and Section 7 read with Sec. 133 (1) (a) of the Prevention of Corruption Act, 1988, seeks his enlargement on bail. The petitioner was arrested on 10-11-2006.

2. Sri. P.G. Thambi, the learned Director General of Prosecutions opposed the application.

3. Petitioner is conducting a Travel Agency by name Y.B. Tours and Travels at Kavanoor. He along with the other accused are alleged to have hatched a conspiracy to obtain an Indian Passport to a Pakistani national by name Fahad (first accused)who is alleged to have links with a terrorist organization by name "AL-BADAR". The petitioner is alleged to have fabricated documents and submitted application for passport for the aforesaid person in a fake address and

to have secured an Indian passport for him after influencing and bribing the officials of the Passport Department, Police Department and Postal Department. It is too early to accept the petitioner's contention that the passport was procured by him without knowing that it was meant for a pakistani national. The investigating agency is probing into the nuances of the criminal activities of the various participants of the crime. The petitioner has been arranging passports to various persons and his past conduct is under serious scan by the investigating agency. If at this stage of investigation the petitioner is released on bail it may hamper the smooth investigation of the case. I am not inclined to grant bail to the petitioner at this stage of investigation.

This application is accordingly dismissed.

V. Ramkumar, Judge.

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